

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

WILLIAM RODRIGUEZ,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 07-38V

Special Master Christian J. Moran

Filed: August 31, 2009

attorneys' fees and costs, award
based on joint stipulation.

ATTORNEYS' FEES AND COSTS DECISION*

Petitioner, William Rodriguez, seeks reimbursement for his attorneys' fees and costs. Mr. Rodriguez is awarded the amount to which respondent has not objected.

On April 8, 2009, Mr. Rodriguez submitted a draft application for attorneys' fees and costs to respondent. Respondent raised some informal objections to parts of the draft application. Negotiations and resolution of the objections followed.

On August 19, 2009, the parties filed a joint stipulation regarding petitioner's request for attorneys' fees and costs. Petitioner also submitted documents supporting the joint stipulation.¹

* Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

¹ Mr. Rodriguez submitted a statement from Dr. Höke, dated July 4, 2008. In this statement, Dr. Höke seeks compensation for nine hours of work. (Continued...)

Mr. Rodriguez provided the court with a statement of costs in compliance with General Order No. 9, stating that he incurred no litigation costs.

After reviewing the request and supporting documentation, the court awards **\$47,000.00** in attorneys' fees and other litigation costs to the law firm of Rawls & McNelis, P.C.

The judgment shall be payable as an award of **\$47,000.00** made payable to petitioner and Rawls & McNelis, P.C.

The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

s/ Christian J. Moran

Christian J. Moran
Special Master

Mr. Rodriguez's attorney is encouraged to request that Dr. Höke provide more details in his invoices in future cases. An expert's invoice should include (a) the date the activity was performed, (b) a description of the activity, and (c) the amount of time the activity took on that particular day. More information from Dr. Höke could avoid problems in the future.

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.